MEETING DATE 8-18-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	E-6
ITEM DESCRIPTION: Land Subdivision Permit (Prelimina Maine Street Development by Maine Street Development Applicant is proposing to subdivide approximately 104.3 commercial-industrial development and 8 Outlots. The Public roadways. The applicant is also requesting approach Alteration to permit site grading that will modify grades to the property. The property is located east of TH 63, north future alignment of St. Bridget Road SE.	Company of Rochester LLC. The 4 acres of land into 13 lots for Plat also proposes to dedicate new oval of a <i>Substantial Land</i> by more than 10 feet on portions of	PREPARED BY: Brent Svenby, Planner

August 15, 2003

NOTE: In discussions with the City Engineer, staff is not agreeable to the recommended changes to conditions 8, 9 and 11 as presented by Mr. Ryan and recommends that the City Council adopt the conditions as suggested in the staff report. On condition 11, which requires an access easement provided for Lot 2, Block 5, reference to that can be removed because a Declaration of ingress and egress has already been recorded for the property. Staff would be agreeable with the changes suggested by Mr. Ryan if the language shown in capital letters is included.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on July 23, 2003 to consider this preliminary plat to allow for a commercial and industrial development.

The applicant's attorney, Mr. Bill Ryan, from Dunlap and Seeger, addresses the Commission. He offered revisions to three of the suggested conditions by staff.

The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions (the commission revised conditions 8, 9 and 11 as suggested by Mr. Ryan):

- 1. The applicant shall comply with all conditions of approval of the General Development Plan for this property (see attached).
- 2. The Plat shall be revised to dedicate controlled access along TH 63, 48th St. SW, St. Bridget Road, except at the public road openings and along portions of "Maine Street SW" and "45th Street" as dictated by the Traffic Impact Report or the LDM spacing standards.
- 3. This Plat is contingent upon the applicant obtaining permits to modify Wetlands throughout the property. No Wetlands shall be disturbed prior to obtaining appropriate permits.
- 4. Roadway names must be modified to meet roadway naming standards, except with regard to "Maine Street". The applicant shall coordinate with the Planning Department Addressing staff to determine appropriate names prior to submitting a Final Plat. Main Street SE shall be renamed to either Maine Avenue SE, Maine Drive SE or Maine Road SE. The designation using "street" can only be used on roadways aligned in an east-west direction.
- 5. Prior to Final Plat application, the Owner(s) shall enter into a new Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements, stormwater management, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, ownership and maintenance of outlots and contributions for public infrastructure.
- 6. Final subdivision grading and drainage plan approval is required prior to Final Plat submittal.
- 7. A Storm Water Management Fee will apply to any area of this proposed development that does not drain to privately constructed on-site detention facilities. Detention facilities serving less than 50 acres will be private and require the execution of a Maintenance and Ownership Declaration. Facilities serving over 50 acres shall be platted as Outlot(s) and dedicated to the City.

COUNCIL ACTION: Motion by:	Second by:	to:

- 8. The State has already acquired the necessary right-of-way for the reconstruction and capacity improvements planned for St. Bridget Road SE and, 48th Street SE and 48th Street SE/T.H. 63 interchange. THE STATE WILL ALSO BE ACQUIRING THE NECESSARY RIGHT-OF-WAY FOR THE CONSTRUCTION AND CAPACITY IMPROVEMENTS PLANNED FOR 40TH STREET SE AND THE 40TH STREET AND THE 40TH STREET/TH 63 INTERCHANGE. The Owner's proportionate share of the City's and County's share of the costs related to right-of-way and construction (including pedestrian facilities) will be addressed in an amended Development Agreement.
- 9. THE OWNER HAS AN OBLIGATION TO PROVIDE OR PAY FOR pedestrian facilities must be provided along the entire frontages (including Outlots) of both sides of all new interior public roadways.
- 10. Final Plat application shall be coordinated with an amendment to Official Street Map #12 (OSM 12). This Plat is contingent upon approval of an amendment to OSM 12.
- 11. The Applicant is responsible to construct a private roadway within Outlot B and Outlot D, pursuant to the terms of an agreement between the Applicant and the owners of the abutting parcels, and must extend utilities (water and electrical) to serve the abutting parcels. An access easement must be recorded over Outlot B and Outlot D for ingress/egress to the abutting parcels, pursuant to the agreement of the parties. The easement documents must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the access easements and document numbers. The easement documents shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times. IF THE PRIVATE AGREEMENT IS REVIEWED BY THE CITY AND FOUND TO BE ACCEPTABLE, THE CONDITIONS OF THE PRIVATE AGREEMENT SHALL BE INCORPORATED INTO THE FINAL PLAT.
- 12. Outlot G shall be dedicated to the City, and an access easement must be dedicated such that access does not need to occur from the public road.

Mr. Haeussinger moved to recommend approval of Preliminary Plat #03-11 to be known as Maine Street Development by Maine Street Development Company of Rochester LLC with staff-recommended findings and conditions with the exception that conditions 8, 9 and 11 be written as suggested by Mr. Ryan's presentation and to revise condition 4 to allow "Maine Street". Ms Petersson seconded the motion. The motion carried 6-1 with Ms. Wiesner voting nay.

Council Action Needed: ...

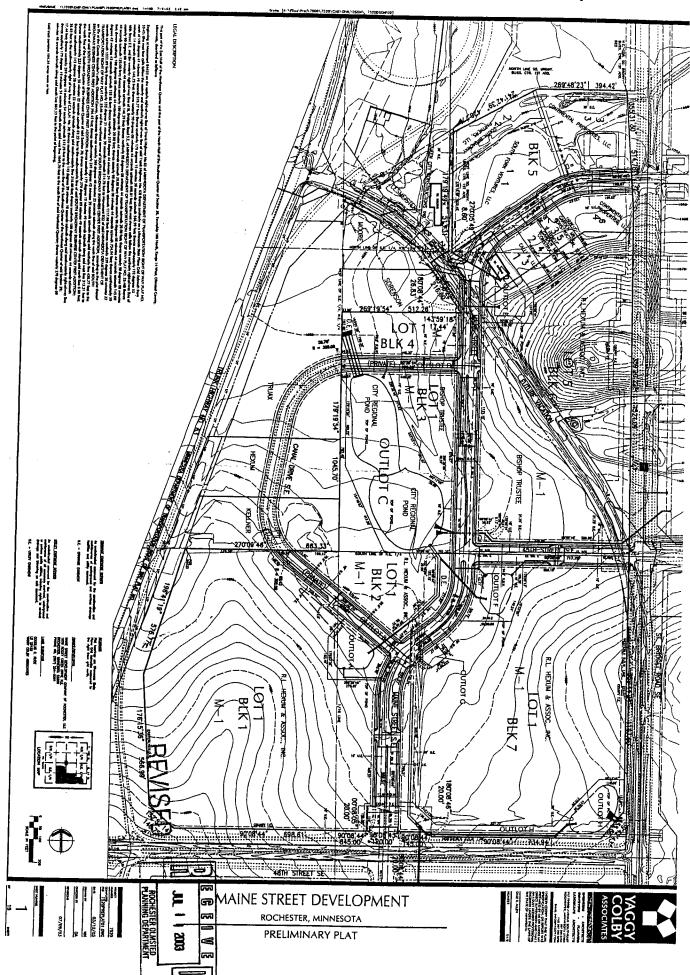
1) The Council may approve, approve with conditions or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.

Attachment:

- 1. Staff Report dated July 17, 2003
- 2. Minutes of the July 23, 2003 CPZC Meeting

Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 18, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 5. Yaggy Colby Associates





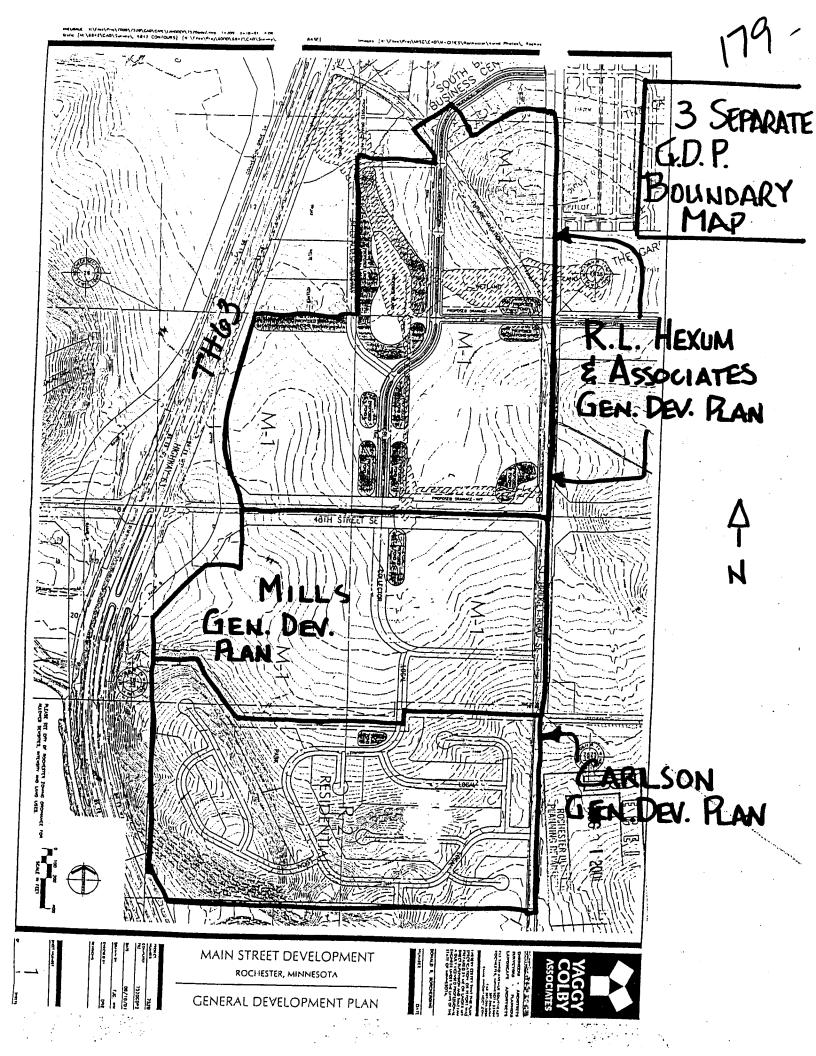
Fresenter at the 7/23 CARCAMENTS

MAINE STREET DEVELOPMENT

Preliminary Plat Approval

Proposed changes to conditions of approval:

- 8. The State has already acquired the necessary right of way for the reconstruction and capacity improvements planned for St. Bridget Road SE and, 48th Street SE and 48th Street SE/T.H. 63 interchange. The Owner's proportionate share of the City's and County's share of the costs related to right of way and construction (including pedestrian facilities) will be addressed in an amended Development Agreement.
- 9. Pedestrian facilities must be provided along the entire frontages (including Outlots) of both sides of all new interior public roadways.
- 11. The Applicant is responsible to construct a private roadway within Outlot B and Outlot D, pursuant to the terms of an agreement between the Applicant and the owners of the abutting parcels, and must extend utilities (water and electrical) to serve the abutting parcels. An access easement must be recorded over Outlot B and Outlot D for ingress/egress to the abutting parcels, pursuant to the agreement of the parties. The easement documents must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the access easements and document numbers. The easement documents shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE:

July 17, 2003

RE:

Land Subdivision Permit (Preliminary Plat) #03-11 to be known as Maine Street Development by Maine Street Development Company of Rochester LLC. The Applicant is proposing to subdivide approximately 104.34 acres of land into 13 lots for commercial-industrial development and 8 Outlots. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located east of TH 63, north of 48th Street SE and west of the future alignment of St. Bridget Road SE.

Planning Department Review:

Applicant/Owner:

Maine Street Development Company of Rochester, LLC.

C/O Tom Hexum

1000 Rocky Creek Drive NE Rochester, MN 55906

Engineer:

Yaggy Colby Associates 717 3rd Ave. SE

Rochester, MN 55904

Report Attachments:

Land Development Manual Excerpts

2. Referral Comments

3. Copy of General Development Plan

4. Copy of Preliminary Plat

5. Review of Supplementary Site Impact Traffic Study for

Maine Street Development

Development Review:

Zoning:

This property is zoned M-1 (Mixed Commercial-Industrial).

Roadways:

Right-of-way acquisition for improvements to TH 63, 48th

Street and St. Bridget Road has been completed by MnDOT.



Page 2 July 17, 2003

Utilities:

Right-of-way for these roadways is not included in this Plat. Right-of-way dedication included with this plat is for a public north/south roadway connecting 48th Street and the future alignment of St. Bridget Road as well as an east/west public road proposed as 45th St. SE. Outlots B and D are the location of a future private roadway.

Roadway names will need to be modified. The applicant or consultant will need to coordinate with the Planning Department addressing staff to determine appropriate road names prior to submitting a Final Plat.

Some utilities have been extended through this property

already.

Final utility design and grades must be carefully coordinated with the City (RPU Water) to provide adequate water service

to serve this plat.

Sidewalks: Pedestrian facilities will be required throughout the

development, on both sides of all public roads, as well as the west side of St. Bridget Rd SE and the north side of 48th St. SE and will include a combination of sidewalks and

bituminous paths.

Several on-site detention ponds are proposed, as identified Drainage:

on the Plat.

Detailed grading and drainage plans will also be required

when the property is platted or developed.

Wetlands: Wetlands have been delineated on this property. The

Technical Evaluation Panel is currently considering wetland

related applications to fill/drain wetlands on this site.

Spillover Parking: Parking requirements will be reviewed with proposals for

individual lot development.

Parkland Dedication: There are no parkland dedication requirements for this plat.

Most of this property is included in GDP #165 Approved in **General Development Plan** the fall of 2001. A portion of the property, in the far northeast

corner, is been platted and is proposed to be re-platted.

The State, City and County are coordinating to complete infrastructure improvements adjacent to this property that will impact TH 63, 48th St. and St. Bridget Road. Improvements include construction of an interchange at TH 63 and 48th St., upgrading and re-construction of 48th St. and re-alignment and upgrading/re-construction of St. Bridget Road. Construction of the 48th St. interchange and associated improvements are scheduled to being this year.

Timing of Final Plats for this property will need to be coordinated with the improvements, and with the future vacation of a portion of the current alignment of St. Bridget Road.



Substantial Land Alteration & Staff Suggested Findings:

This application includes a proposal to change grades on the property by 10 feet or more. The most significant modification proposed is in the area identified at Lot 5, Block 5, lying west of the future St. Bridget Road SE alignment. An existing hill within this area is proposed to be lowered by as much as 48 (vertical) feet. The hill will be modified, in part, with the re-alignment and re-construction of St. Bridget Road. The attached Plan identifies areas to be changed by 10 feet or more. Areas proposed to be changed by 10 feet or more (+ or -) are shown in a shaded tone.

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggests the following findings for those two items:

- #13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
- #14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings, which must be considered by the Planning Commission, and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. The staff recommends approval with the following conditions / modifications:

- 1. The applicant shall comply with all conditions of approval of the General Development Plan for this property (see attached).
- 2. The Plat shall be revised to dedicate controlled access along TH 63, 48th St. SW, St. Bridget Road, except at the public road openings and along portions of "Maine Street SW" and "45th Street" as dictated by the Traffic Impact Report or the LDM spacing standards.
- 3. This Plat is contingent upon the applicant obtaining permits to modify Wetlands throughout the property. No Wetlands shall be disturbed prior to obtaining appropriate permits.
- 4. Roadway names must be modified to meet roadway naming standards. The applicant shall coordinate with the Planning Department Addressing staff to determine appropriate names prior to submitting a Final Plat.



- 5. Prior to Final Plat application, the Owner(s) shall enter into a new Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements, stormwater management, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, ownership and maintenance of outlots and contributions for public infrastructure.
- 6. Final subdivision grading and drainage plan approval is required prior to Final Plat submittal.
- 7. A Storm Water Management Fee will apply to any area of this proposed development that does not drain to privately constructed on-site detention facilities. Detention facilities serving less than 50 acres will be private and require the execution of a Maintenance and Ownership Declaration. Facilities serving over 50 acres shall be platted as Outlot(s) and dedicated to the City.
- 8. The Owner is required to dedicate its proportional share of ROW for the reconstruction and capacity improvements planned for St Bridget Rd SE, 48th St SE, & 48th St SE / T.H. 63 Interchange. Specific obligations for Owner's costs related to ROW and construction will be addressed in an amended Development Agreement, based on MnDOT's purchase of ROW from the Owner for T.H. 63 interchange projects.
- 9. Pedestrian facilities must be provided along the entire frontages (including Outlots) of both sides of all new public roadways, as well as along the west side of St. Bridget Road SE and the north side of 48th St. SE.
- 10. Final Plat application shall be coordinated with an amendment to Official Street Map #12 (OSM 12). This Plat is contingent upon approval of an amendment to OSM 12.
- 11. The applicant is responsible to construct a private roadway within Outlot B and Outlot D and must also extend utilities to serve the abutting parcels. An access easement shall be recorded over Outlot B and Outlot D for ingress/egress to the abutting parcels. Additionally, an access easement must be recorded prior to recording the Final Plat, to provide Lot 2, Block 5, with a permanent easement for access. The easement documents must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the access easements and document numbers. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.
- 12. Outlot G shall be dedicated to the City, and an access easement must be dedicated such that access does not need to occur from the public road.

REMINDER TO APPLICANT:

- Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.
- Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.

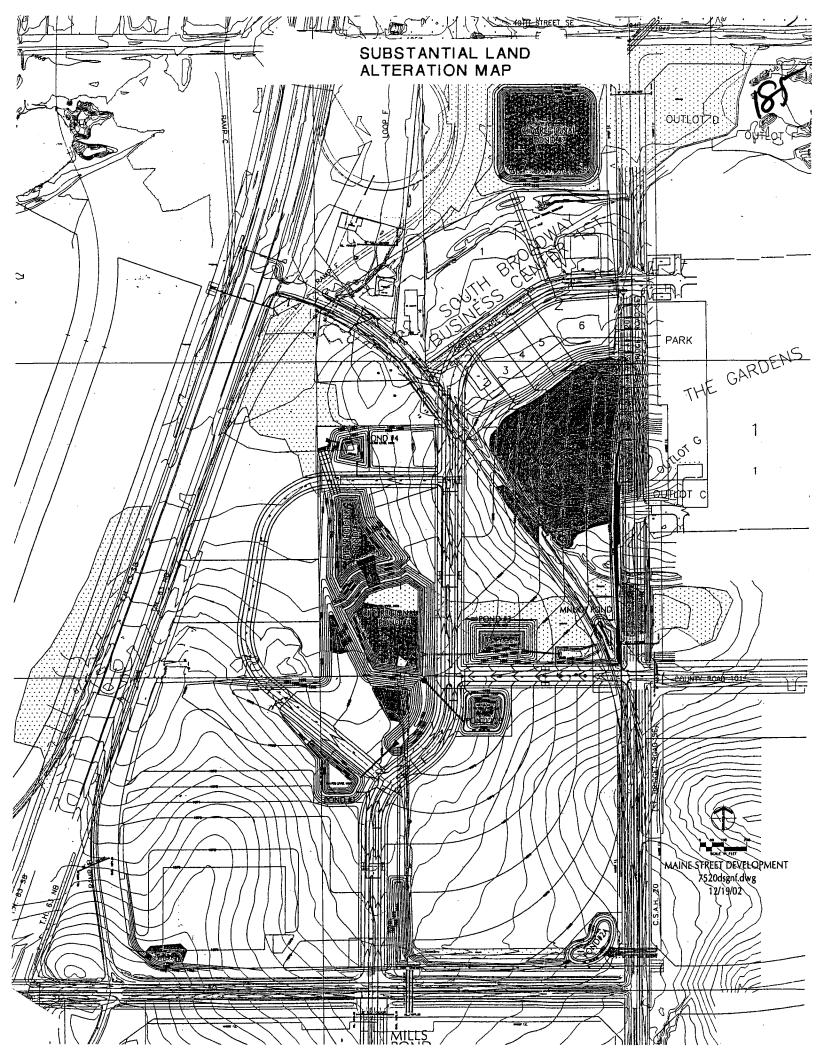


Excerpt from the Rochester Zoning Ordinance and Land Development Manual

61.225 Findings for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- 2) That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- 3) That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- 4) That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- 5) That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- 6) That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- 7) That the proposed subdivision, if in a residential zoning district, addresses the need for spillover parking consistent with the requirements of Section 63.426.
- 8) That right-of-ways and easements of adequate size and dimension are provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- 9) That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- 10) That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- 11) That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- 12) That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.
- 13) That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- 14) That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- 15) That any land located within Zone A as shown on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota, prepared by the Federal Emergency Management Agency, is determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- 16) That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or city or county ordinance.
- 61.226 Conditions on Approvals: In considering an application for a development permit to allow a land subdivision, the approving body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.





MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Charles Reiter

Senior Transportation Planner

DATE; July 14, 2003

RE: Review of Supplementary Site Impact Traffic Study for Maine Street Development

Summary of Background Information:

- As part of MNDOT's project development process for the proposed interchanges on TH 63 South a design was prepared for the roadways bordering the Maine Street site on the south (48th St) and east (relocated St Bridget's Road). The design for each of these roadway included four through lanes (2 each direction) and dedicated left and right turn lanes at the access locations. 48th St is planned to serve as the new connection of CSAH 20 to TH 63, while north of 45th St the relocated St Bridget's Road will be a city street. The section between 45th and 48th will remain part of CR 101 until 48th St is extended east of St Bridget's Rd, at which time this section will also become a city street. Attachment 1 illustrates the proposed road and interchange layouts
- The developers have proposed an upper limit for the potential floor area that will be
 developed on the site of 1.5 million square feet. This exceeds the amount that was used
 to develop the traffic projections used in the TH 63 design work by approximately 40%.
 As a result, the applicant was required to prepare a supplementary traffic analysis to
 evaluate whether the proposed number of lanes would be adequate to handle the
 projected traffic from this level of development.
- The estimated traffic generation with the proposed development plan is approximately 34,300 daily trips per day with 3,400 PM Peak Hour trips (Attachment 2). This level of trip making is similar (approximately 5-10% higher) than Apache Mall. An additional 12,000 daily trips and 1150 PM Peak Hour trips are estimated from the anticipated development on the south side of 48th St.
- The site was broken in subareas for the purposes of identifying primary use types and assigning traffic to interior streets as well as border streets. The subareas are illustrated in Attachment 3. Areas A and B are assumed to be predominantly retail, Areas C and E predominantly office and lodging, Area D a mixed use area of retail, office and service, and Area G predominately business / service type uses.

Review of the Key Traffic Issues

• The critical issue which the supplementary analysis identified was the need for additional lanes at the intersection of 48th St SE with the proposed Maine Street, which is the proposed access into the site off of 48th St. The analysis identified that with the proposed level of development, a 2nd eastbound left turn lane (for the eastbound left turn north into the site) would be needed. In addition, the analysis also identified the need for 3rd westbound lane between the Maine Street / 48th St intersection and the East Ramps

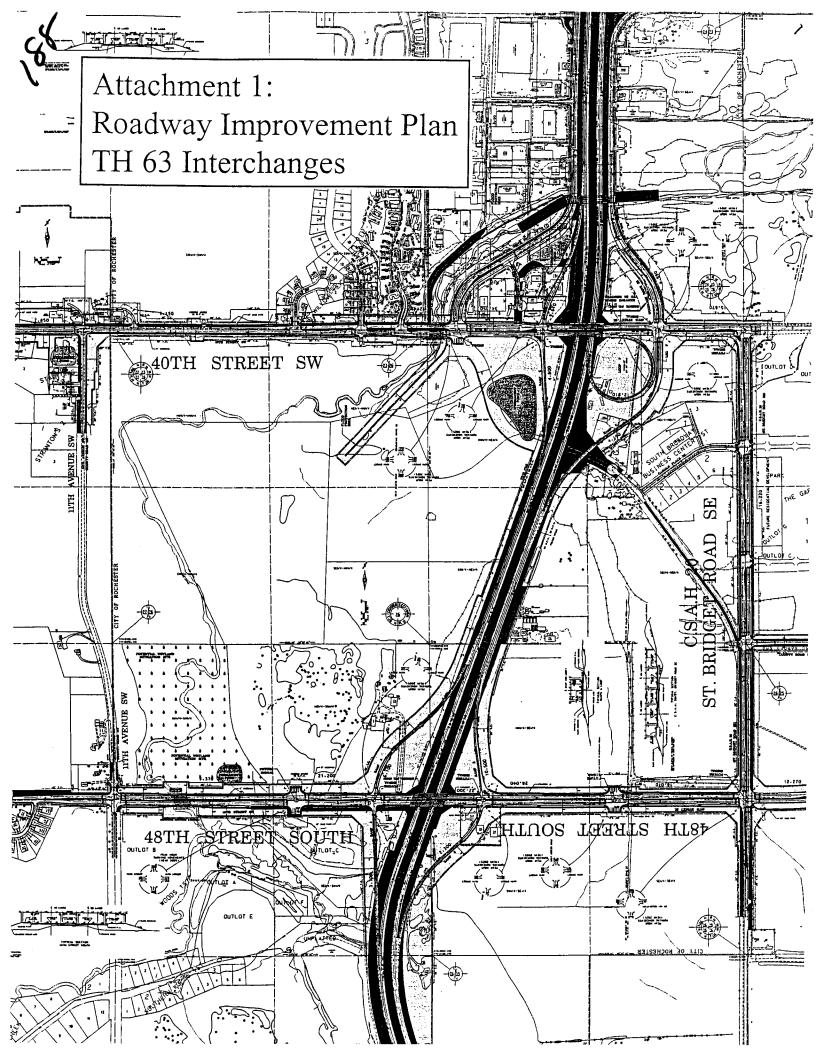
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at the interchange, to handle a heavy anticipated flow out of the development site back to TH 63.

- The access locations on St Bridget's Road will have relatively heavy eastbound to northbound left turn flows exiting the development as well. At these intersections, a design utilizing a dedicated left turn lane along with a second shared left turn / thru lane will be needed.
- Internal to the site, there is an access proposed to serve Lot 1, Block 1 and Lot 1, Block 7 approximately midway between 48th St and the internal intersection of Maine Street and Canal Drive. This intersection will need to be limited to a ¾ type access that permits right-in, right out traffic as well as left turns into Lot 1 of Block 1, but not left turns out of the lots onto Maine Street. Further evaluation of the intersection design will be needed at the time public improvement plans are prepared for these street sections.
- It is anticipated that future signalization will be required at both locations where Canal Drive intersects Maine Street. These intersections will be four-legged intersections, with the fourth leg serving as the primary exit locations for the development on Lot 1, Block 7, and Lot 5, Block 6 respectively.
- Internally, Maine Street and 45th St are both anticipated to be four lane road sections plus left turn lanes, designed as collector type roadways to facilitate internal traffic flows.
- None of the private lots will be permitted to have direct access onto 48th St or St Bridget's Road. All site access will be from the internal street system

Summary

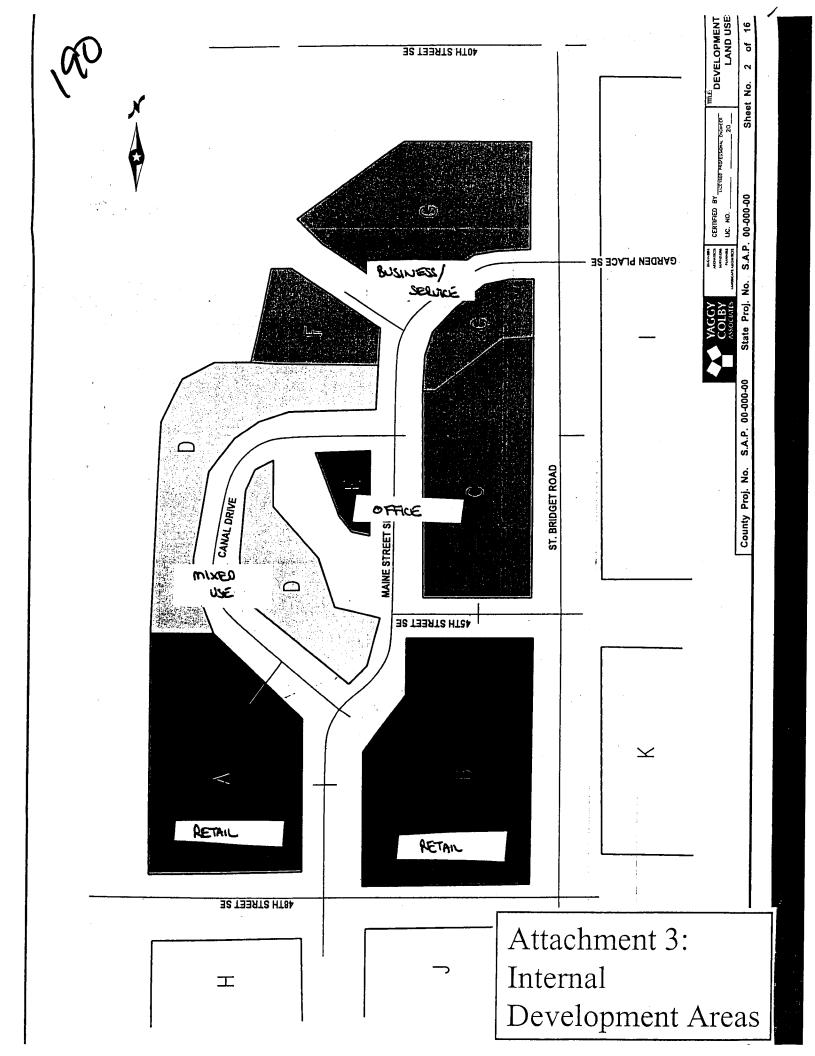
- The significant level of development anticipated will require additional improvements to the proposed design of 48th St. Finalization of right of way to permit this improvement, evaluation of the impact of construction on site grading, and cost sharing agreements need to be further evaluated prior to finalization of a Development Agreement
- As the site development process proceeds through final platting and preparation of final construction plans additional refinement of certain design details on the interior street system will need to occur.



	SUMMARY IAI	BLE: MAIN	IE STREET	DEVE			PPIN	G CE	NTER GENE		NS)	
·····			WEEKDAY			ļ	WEEKEN					
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Development	(Office Park)	750	FITTED	3430	IN	FITTED	120	IN	0.14	64	IN	1000 S. F. GFA
4				3430	OUT		737	OUT		23	OUT	
	Shopping Center			234	92		22	236		30)52	685
Development	(Shopping Center)	820	FITTED	11746	IN	FITTED	1073	IN	FITTED	1587	IN	1000 S. F. GFA
				11746	OUT		1163	OUT		1465	OUT	
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Development	(Hotel)	310	8.92	1963	IN	FITTED	153	IN	0.87	195	83 IN	440 Occupied Rooms
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				17138	OUT		2060	OUT		1676	OUT	

Attachment 2:
Trip Generation Analysis
Maine Street Development





ROCHESTER

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TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

DEPARTMENT OF PUBLIC

FROM: Mark E. Baker

DATE: 4/11/03

The Department of Public Works has reviewed the application for <u>Preliminary Plat #03-11</u>, on the <u>Maine Street Development</u> property. The following are Public Works comments on the proposal:

- Portions of this proposed plat are covered by Development Agreement executed in 1999. Prior to Final Plat submittal, the Owner(s) shall enter into new a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Transportation Improvement District charges, transportation improvements, stormwater management, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure. The existing Development Agreement with South Broadway Partner's shall be voided upon execution of the new Development Agreement.
- 2. Final subdivision Grading & Drainage Plan approval is required prior to Final Plat submittal. Individual lot development is subject to Site Development Plan approval, and individual lot grading plan approval.
- 3. As proposed Storm Water Management will be provided for this development by onsite detention facilities. A Storm Water Management Fee will apply to any area of this proposed development that does not drain to privately constructed on-site detention facilities.
- 4. Detention facilities serving less than 50 acres will be private and require the execution of a Maintenance & Ownership Declaration. Facilities serving over 50 acres shall be platted as Outlot(s) and dedicated to the City. Specific obligations regarding Storm Water Management will be addressed in the Development Agreement.
- 5. The Owner is required to dedicate its proportional share of ROW for the reconstruction and capacity improvements planned for St Bridget Rd SE, 48th St SE, & 48th St SE / T.H. 63 Interchange. Specific obligations for ROW will be addressed in the Development Agreement, based on MnDOT's purchase of ROW from the Owner for T.H. 63 interchange projects.



ROCHESTER

--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

- 6. Pedestrian facilities will be required along the entire frontages (including Outlots) of both sides of all new public roads within this development, as well as the west side of St. Bridget Rd SE and north side on 48th St SE. Specific terms of the Owner's obligations will be addressed in the Development Agreement.
- 7. The location of Maine Street SE is inconsistent with Official Street Map #12. The removal of the north / south collector from the Official Street Map is subject to approval of the Final Plat.
- 8. A City / Owner Contract must be executed prior to development of this property to address the construction of all public infrastructure and utilities to serve this subdivision.
- 9. Ownership and maintenance of the proposed Outlots shall be address in the Development Agreement.
- 10. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
- 11. The portion of this proposed Plat, previously platted as South Broadway Business Center 1st, and lying south of what is proposed as Maine Street SE, has previously paid development related charges for SAC & WAC. The remainder of the proposed preliminary plat of Maine Street Development, including the portion previously platted as Lots 1, 2 & 3, Block 1, South Broadway Business Center are subject to charges for SAC & WAC.

Charges & fees applicable to the development of this property will be addressed in the Development Agreement and City-Owner Contract(s), and will include (base rates in place through 7/31/03):

ROCHESTER

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--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX -- 507-281-6216

FROM: Mark E. Baker

- ❖ Sanitary Sewer Availability Charge (SAC) @ \$3,115.12 (based on estimate from feasibility report, with annual rate adjustments through 7/31/03) per developable acre.
- ❖ Water Availability Charge @ \$1790.25 per developable acre, subject to rate adjustment.
- Contribution for Watermain extension to service this property \$146,242.00 (estimate based on feasibility report, final amount will be based on actual project costs)
- ❖ A Substandard Street Reconstruction Charge and/or contribution to the TID for this area, including repayment to the City for right-of-way purchased by MnDOT on behalf of the City & County.
- Storm Water Management, for any areas that do not drain to an on-site detention facility – TBD
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface
- ❖ Traffic Signs, as determined by the City Engineer.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 14, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Peter Oetliker

RE:

MAINE STREET DEVELOPMENT REVISED

PRELIMINARY PLAT #03-11

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The future cul-de-sac with its intersection with Maine Street SE has no designation indicated.

RECOMMENDATION: Name the cul-de-sac, and give it the roadway type Lane and directional of SE.

2. The use of Maine Street SE would be changing GARDEN DRIVE SE already platted in SOUTH BROADWAY BUSINESS CENTER FIRST ADDITION.

RECOMMENDATION: Change Maine Street SE to GARDEN DRIVE SE.

NOTE: If that portion of the platted roadway GARDEN DRIVE SE (as platted in South Broadway Business Center First) is renamed, the fee for that change is \$500.00. Plus if it is renamed it cannot be designated as Maine or Main Street as we already have a Main Street SE in existence and this could cause confusion with Emergency Responders.

In addition, the three existing addresses on GARDEN DRIVE SE would need to be re-addressed and that fee is \$55.00 per address. Therefore the total costs associated with renaming this roadway would be \$665.00. This fee does not include new roadway signage

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Prel. Plat #03-11, Maine Street Development

No hydric soils exist on the site based on the Soil Survey
Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
A wetland delineation has been carried out for the property and is on file with the Planning Department.
A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
Other or Explanation:
The replacement plan is under review by the TEP at this time.





DATE: April 8, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ:

Land Subdivision Permit (Preliminary Plat) 03-11 to be known as Maine Street Development by Main Street Development Company of Rochester LLC. The applicant is proposing to subdivide approximately 104.34 acres of land into 13 lots for commercial-industrial development and 8 Outlots.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning
 Ordinance and Land Development Manual. Emergency vehicle access roadways shall be
 serviceable prior to and during building construction.
- All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Maine Street Development Company of Rochester – 1000 Rocky Creek Dr NE – Rochester, MN 55906
Yaggy Colby Associates – 717 3rd Ave SE – Rochester, MN 55904



Minnesota Department of Transportation - District 6

Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

E-mail: dale.maul@dot.state.mn.us

Office Tel: 507-280-2913

Fax: 507-285-7355

April 9, 2003

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE-Suite 100 Rochester, MN 55904

RE: Land Subdivision Permit (Preliminary Plat) #03-11 to be known as Maine Street Development by Maine Street Development Company of Rochester LLC. The Applicant is proposing to subdivide approximately 104.34 acres of land into 13 lots for commercial-industrial development and 8 Outlots. The property is located east of TH 63, north of 48th Street SE and west of the future alignment of St. Bridget Road SE.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above Preliminary Plat. Provided that the layout represents the appropriate amount of property needed for the proposed Interchange Ramp, this proposal is acceptable with Mn/DOT.

Please advise the applicant the proposed Interchange at TH 63 and 48th Street is scheduled for construction in 2003. Alternate routes may be needed to access TH 63 during this construction period. Mn/DOT requests the City of Rochester manage the traffic generated from these developments for both city and state roadways.

Please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you may have.

Sincerely,

Dale E. Maul Planning Director





April 8, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-11 by Maine Street Development Company to be known as Maine Street Development.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

- 1. As previously stated in the GDP review letter dated August 7, 2001 this property is within both the Main Level (ML) and the Intermediate Level (IL) Water System Areas. The Main Level system has limited serviceability within Lot 1, Block 1 and Lot 1 Block 6, so care must be taken in the planning of the interior water system from the ML stub-outs shown in this submittal. Static pressures will range from the lower end of service in the ML areas (fin. Grade at stub-out El 1073 = 41-45 PSI) to the upper end of service in the IL areas (fin. grade at stub-out El 1075 will approximately be near 90 PSI) and are dependent on final grades.
- 2. Outlot G is the planned location of the Public RPU Booster Station and must be dedicated to the City for that use. An access easement may be necessary within Lot 1, as direct access should not be taken off Maine Street SE.
- 3. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Wade Dumond, Yaggy Colby Associates
Maine Street Development Co. of Rochester

storm water management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, extension of utilities and contributions for public infrastructure.

- F. An additional public street access shall be shown to the south property line to serve the "Boyer Property".
- G. Approval of this General Development Plan is contingent upon the Applicant obtaining permits for impacts to wetlands proposed through this GDP. If permits are not secured to permit the proposed impacts (i.e., ponds, filling, roadway layout as shown), an amended General Development Plan shall be submitted for this property.
- 6. Following the Commission's meeting, the Planning Department staff recommended the following conditions be applied to the "R. L., Hexum & Associates General Development Plan" and to the "Mills General Development Plan": (6) P #165)
 - A. At the time of platting any portion of the property subject to the general development plan, controlled access will need to be dedicated along TH 63, 48th St. SW and St. Bridget Road and also along portions of the collector roads accessing 48th St. and St. Bridget Road, all as included in the portion of such property being platted.
 - B. At the time of platting, the developer shall dedicate their proportional amount of right-of-way for the 48th St. SW/TH 63 interchange. Any right-of-way needed in addition to the area dedicated shall be platted and reserved with the first phase of this development. Terms of the conveyance shall be outlined in the Development Agreement.
 - C. At the time of platting or development of any portion of the property subject to the general development plan, water mains shall be stubbed to all adjacent properties adjacent to such plat and water mains in the cul-de-sacs must be looped per RPU requirements. In addition, the main level and intermediate level water systems shall be interconnected. Right-of-way will need to be dedicated at the interface between the two water systems for the installation of an RPU booster/PRV station.



Topo

CONDITIONS OF GDP \$ 145

- D. Prior to platting of any portion of this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval. Approval of this GDP is contingent upon the applicant obtaining permits for impacts to Wetlands proposed through this GDP as and when necessary. If permits are not secured, an amended General Development Plan shall be submitted.
- E. Development of this property shall be phased to limit the amount of traffic generated prior to completion of planned roadway improvements.
- F. Stormwater management must be provided for this development. Areas in the development that don't drain to on-site detention facilities will be subject to a Storm Water Management fee. Detention facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Declaration.
- G. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, phasing this development, substandard street reconstruction charges and/or traffic improvement district charges, storm water management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, extension of utilities and contributions for public infrastructure.
- H. Approval of this General Development Plan is contingent upon:
 - The City initiating an amendment to Official Street Map #12 to remove the north/south collector located north of 48th Street SW:
 - Completion of an Environmental Assessment Worksheet and negative finding for the need for an Environmental Impact Statement. Any modifications to this GDP, required as part of the EAW will require submittal of a revised GDP;
 - The applicant obtaining permits for impacts to Wetlands proposed through this GDP. If permits are not secured to permit the proposed impacts (i.e. ponds, filling, roadway layout as shown), an amended General Development Plan shall be submitted for this property.



- 7. The applicant's representatives testified that all three applicants agreed to those conditions listed above which apply to their respective General Development Plan.
- 8. The Rochester Common Council concurs with the findings of fact and the conditions recommended by the Planning and Zoning Commission, as amended by the Planning Department staff and as stated above, and adopts them as its own.

CONCLUSIONS OF LAW

- 1. R.C.O. §61.215 provides that the Council shall approve a general development plan if the following criteria are satisfied:
 - A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.
 - B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.
 - C. The mix of housing is consistent with adopted Land Use and Housing Plans.
 - D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.



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Svenby stated that the Fire Department's comments were written on July 18, 2003 and were sent to the applicant at that time. Therefore, they were aware of the requirement.

Mr. Quing moved to recommend approval of Zoning District Amendment #03-14 by Americana Realty with staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

Mr. Quinn moved to recommend approval of General Development Plan #213 by Americana Realty to be known as Americana Realty with staff-recommended findings and conditions, including condition number 9, with the thought that since the issue was brought up recently these would be further discussion. Mr. Haeussinger seconded the motion. The motion carried 7-0.

CONDITIONS:

- The proposed location of the private sewer lift station and force main must be shown on the GDP prior to the City Council review.
- 2. Confirm the location of the 8' bike rail and correct the site plan if necessary.
- 3. Submit a cross property easement agreement to allow the adjacent landowner to the south access between the existing driveway and Bamber Valley Road.
- 4. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to flood elevation limitations to development, stormwater management, traffic improvements, pedestrian facilities access control, extension of utilities for adjacent properties, maintenance and ownership of the proposed private lift station, and contributions for public infrastructure.
- At the time of platting, controlled access shall be dedicated along the entire frontage of Bamber Valley Road.
- 6. Storm water management must be provided for in this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan for any areas of the development that do not drain to a privately constructed permanent detention facility built to serve the development.
- 7. Parkland dedication requirements for this development shall be mut via cash in lieu of land.
- 8. The applicant shall investigate the possibility of wetlands on the property and submit the required information to the local government unit for review prior to grading or other development occurring on the property.
- 9. The GDP shall be revised to provide a turnaround at the northerly end of the private roadway that meets the fire department standards.



Land Subdivision Permit (Preliminary Plat) #03-11 to be known as Maine Street

Development by Maine Street Development Company of Rochester LLC. The Applicant is
proposing to subdivide approximately 104.34 acres of land into 13 lots for commercialindustrial development and 8 Outlots. The Plat also proposes to dedicate new public
roadways. The applicant is also requesting approval of a Substantial Land Alteration to

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permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located east of TH 63, north of 48th Street SE and west of the future alignment of St. Bridget Road SE.

Mr. Brent Svenby presented the staff report, dated July 17, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Petersson stated that there are a number of 1st Streets in the City and that the use of Maine Street shouldn't be any different.

Mr. Svenby stated that he received a note from the applicant's representative, Bill Ryan, with regard to conditions 8, 9 and 11. He asked to review them as the applicant made their presentation.

Mr. Wade Neubauer, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN 55904), addressed the Commission. He indicated that Mr. Hexum's attorney, Bill Ryan, would be making the presentation.

The applicant's attorney, Mr. Bill Ryan, from Dunlap and Seeger, addressed the Commission. He explained that there were conditions listed by staff that they already comply with. Therefore, to avoid confusion, he suggested the following revised conditions:

8. The State has already acquired the necessary right-of-way for the reconstruction and capacity improvements planned for St. Bridget Road SE and, 48th Street SE and 48th Street SE/T.H. 63 interchange. The Owner's proportionate share of the City's and County's share of the costs related to right-of-way and construction (including pedestrian facilities) will be addressed in an amended Development Agreement.

He stated that, since MnDOT was using State funds to acquire the land for right-of-way, he wanted to clarify that and note the applicant would not be sharing in those costs. He also stated that the State is paying for property to create the interchange.

9. Pedestrian facilities must be provided along the entire frontages (including Outlots) of both sides of all new interior public roadways.

He stated that the pedestrian facilities on 48th Street and St. Bridgets is part of the cost sharing program.

11. The Applicant is responsible to construct a private roadway within Outlot B and Outlot D, pursuant to the terms of an agreement between the Applicant and the owners of the abutting parcels, and must extend utilities (water and electrical) to serve the abutting parcels. An access easement must be recorded over Outlot B and Outlot D for ingress/egress to the abutting parcels, pursuant to the agreement of the parties. The easement documents must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the access easements and document numbers. The easement documents shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.



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Mr. Ryan stated that the project has been worked on for a few years and has continually been named Maine Street. Therefore, the concept of the development has to do with "Maine". Therefore, they do not agree to change the name of "Maine Street". He stated that he spoke with Mr. Growden from Planning and found that there are "Main" Streets in Byron, Chatfield, Dover, Eyota, Pine Island, and Stewartville. Since there is no other "Maine" Street in Rochester and it is spelled differently, Mr. Ryan indicated that there shouldn't be any confusion with "Maine Street".

Mr. Ryan stated that he thought that Official Street Map #12 had already been amended. Owners of adjacent lots have agreed to the proposed platted private road, however the details have not been completed yet.

Mr. Ryan stated that water and electric would serve abutting parcels. The sewer would be located in a different area.

Mr. Ryan stated that there is already a permanent access easement for Lot 2 Block 5

Mr. Neubauer stated that he found the recorded document for the easement at the Recorder's Office today.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Quinn asked if Mr. Svenby had time to review the new conditions by Mr. Ryan.

Mr. Svenby responded that, if the commission wanted to approve the preliminary plat with Mr. Ryan's revised conditions, they could with the understanding that he would contact the City Engineer prior to the City Council meeting to discuss the changes proposed by Mr. Ryan.

Ms. Wiesner, Mr. Staver, and Mr. Haeussinger stated that there is not a duplicate roadway name (Maine Street) in Rochester; therefore it should be unique to Rochester.

Ms. Petersson stated that, if the applicant wanted to pay for the roadway name change, they should be allowed to.

Mr. Haeussinger moved to recommend approval of Substantial Land Alteration with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-11 to be known as Maine Street Development by Maine Street Development Company of Rochester LLC with staff-recommended findings and conditions with the exception that conditions 8, 9 and 11 be written as suggested by Mr. Ryan's presentation and to revise condition 4 to allow "Maine Street". Ms. Petersson seconded the motion.

Ms. Wiesner stated that she agreed with changing condition number 4. However, she did not feel comfortable changing conditions 8, 9 and 11 without consulting the City Engineer.

The motion carried 6-1, with Ms. Wiesner voting nay.

CONDITIONS (which includes Mr. Ryan's revised conditions 8, 9, and 11 as stated below):

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- 1. The applicant shall comply with all conditions of approval of the General Development Plan for this property (see attached).
- 2. The Plat shall be revised to dedicate controlled access along TH 63, 48th St. SW, St. Bridget Road, except at the public road openings and along portions of "Maine Street SW" and "45th Street" as dictated by the Traffic Impact Report or the LDM spacing standards.
- 3. This Plat is contingent upon the applicant obtaining permits to modify Wetlands throughout the property. No Wetlands shall be disturbed prior to obtaining appropriate permits.
- 4. Roadway names must be modified to meet roadway naming standards, except with regard to "Maine Street". The applicant shall coordinate with the Planning Department Addressing staff to determine appropriate names prior to submitting a Final Plat.
- 5. Prior to Final Plat application, the Owner(s) shall enter into a new Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements, stormwater management, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, ownership and maintenance of outlots and contributions for public infrastructure.
- 6. Final subdivision grading and drainage plan approval is required prior to Final Plat submittal.
- 7. A Storm Water Management Fee will apply to any area of this proposed development that does not drain to privately constructed on-site detention facilities. Detention facilities serving less than 50 acres will be private and require the execution of a Maintenance and Ownership Declaration. Facilities serving over 50 acres shall be platted as Outlot(s) and dedicated to the City.
- 8. The State has already acquired the necessary right-of-way for the reconstruction and capacity improvements planned for St. Bridget Road SE and, 48th Street SE and 48th Street SE/T.H. 63 interchange. The Owner's proportionate share of the City's and County's share of the costs related to right-of-way and construction (including pedestrian facilities) will be addressed in an amended Development Agreement.
- 9. Pedestrian facilities must be provided along the entire frontages (including Outlots) of both sides of all new interior public roadways.
- 10. Final Plat application shall be coordinated with an amendment to Official Street Map #12 (OSM 12). This Plat is contingent upon approval of an amendment to OSM 12.
- 11. The Applicant is responsible to construct a private roadway within Outlot B and Outlot D, pursuant to the terms of an agreement between the Applicant and the owners of the abutting parcels, and must extend utilities (water and electrical) to serve the abutting parcels. An access easement must be recorded over Outlot B and Outlot D for ingress/egress to the abutting parcels, pursuant to the agreement of the parties. The easement documents must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the access easements and

document numbers. The easement documents shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.

12. Outlot G shall be dedicated to the City, and an access easement must be dedicated such that access does not need to occur from the public road.

Land Use Plan Amendment Petition #02-03 and Zoning District Amendment #02-11 by West 80 Development LLC to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" and the zoning from R-2 (Low Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 3.02 acres of land. The property is located north of 48th St. SW, west of TH 63 South and east of 11th Ave. SW.

Amendment to General Development Plan #159 West 80 Development (formerly known as 48th St. GDP) by West 80 Development LLC. The applicant is proposing to amend the approved GDP changing the alignment of the roadway through the property and identifies the portion of the property that has been purchased by MNDOT. The property is located north of 48th St. SW, west of TH 63 South and east of 11th Ave. SW.

Type III, Phase II Conditional use Permit request #02-46 and Variance Request #03-16 by West 80 Development, LLC. The applicant is requesting approval for an excavation permit to operate a Quarry on property located north of 48th St. SW and west of T.H. 63. The applicant proposes to lower the existing nill on the property by approximately 60 feet and to export over 800,000 cubic yards of material within two to nine years. This application includes a request for a variance to setback requirements.

Mr. Brent Svenby presented the staff report, dated July 17, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Petersson moved to remove Land Use Plan Amendment Petition #02-03, Zoning District Amendment #02-11, Amendment to General Development Plan #159 West 80 Development (formerly known as 48th St. GDP), and Conditional Use Permit #02-46 and Variance #03-16 by West 80 Development LLC from the table. Mr. Burke seconded the motion. The motion carried 7-0.

Mr. Svenby reviewed his July 23, 2003 memorandum which including additional conditions for the general development plan and conditional use permit.

Mr. Haeussinger stated that there should be a sufficient slope in the grading plan so there is not a wall.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (7.7 Third Avenue SE, Rochester MV), addressed the Commission. He indicated that a second neighborhood meeting was held, but not required. He explained that the Planning Department sent the notices for them using the City standards of notification. One individual attended the meeting.

Mr. DuMond stated that the applicant agrees with the staff-recommended conditions for the general development plan. He stated that Ames Construction won the bid for the Highway 63 project. He explained that a good amount of the material from the conditional use permit would